

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|---|---|---------------------|
| ARBUTUS BIOPHARMA CORPORATION |) | |
| and GENEVANT SCIENCES GmbH, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 22-252-MSG |
| |) | |
| MODERNA, INC. and MODERNATX, INC., |) | |
| |) | |
| Defendants. |) | |
| <hr style="width: 50%; margin-left: 0;"/> | | |
| |) | |
| MODERNA, INC. and MODERNATX, INC., |) | |
| |) | |
| Counterclaim-Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| ARBUTUS BIOPHARMA CORPORATION |) | |
| and GENEVANT SCIENCES GmbH, |) | |
| |) | |
| Counterclaim-Defendants. |) | |

STIPULATION TO EXTEND TIME

WHEREAS, Plaintiffs Arbutus Biopharma Corporation and Genevant Sciences GmbH and Defendants Moderna, Inc. and ModernaTx, Inc. have identified certain existing discovery: 1) discovery pursuant to paragraphs 5 and 6 of D.I. 299, and 2) the third-party discovery referenced in D.I. 390, that remains pending despite the parties' best efforts to complete discovery within the existing case schedule;

WHEREAS, the parties have met and conferred on how best to address the timing and scope of the pending discovery, and have discussed potential impacts on the timing of expert discovery and subsequent dates in the schedule, including trial;

WHEREAS, the parties have jointly determined that the following extension would avoid disruptions to the expert discovery schedule and the trial schedule, as well as the potential need for further extensions;

WHEREAS, the parties have worked and will continue to work productively in good-faith to conclude these existing discovery matters in an efficient manner;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties and subject to the approval of the Court, that the following deadlines will be extended as follows:

| Event | Current Deadline | Proposed Deadline |
|--|-------------------------|--------------------------|
| Opening expert reports. | August 5, 2024 | November 25, 2024 |
| Rebuttal expert reports. | September 16, 2024 | February 14, 2025 |
| Reply expert reports. | October 18, 2024 | March 21, 2025 |
| Advise expert deposition availabilities. | October 18, 2024 | March 24, 2025 |
| Close of expert discovery. | November 15, 2024 | April 25, 2025 |
| Deadline to seek leave to file summary judgment motions. | November 20, 2024 | May 2, 2025 |
| Summary judgment/Daubert motions due. | December 23, 2024 | May 30, 2025 |
| Oppositions to summary judgment/Daubert motions due. | January 31, 2025 | July 3, 2025 |
| Replies ISO summary judgment/Daubert motions due. | February 25, 2025 | July 24, 2025 |
| Hearing on summary judgment/ <i>Daubert</i> motions. | TBD | TBD |

| Event | Current Deadline | Proposed Deadline |
|--|------------------|--|
| Serve draft pretrial order. | March 7, 2025 | August 4, 2025 |
| File proposed pretrial order, jury instructions, voir dire, special verdict forms. | April 4, 2024 | September 8, 2025 |
| Pretrial Conference (subject to the Court's availability) | April 11, 2024 | September 15, 2025 |
| Trial (subject to the Court's availability) | April 21, 2025 | September 24, 2025 (subject to the Court's availability) |
| File joint order and post-trial status report 7 days after jury verdict. | TBD | TBD |

Pursuant to D. Del. LR 16.4, counsel certifies that copies of this stipulation have been sent to their respective clients.

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Dated: August 5, 2024

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Attorneys for Defendants

IT IS SO ORDERED this ____ day of August, 2024.

Hon. Mitchell S. Goldberg